

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

THE UNITED STATES for the use of)
GMW Fire Protection, Inc., an Alaska)
Corporation,)
Plaintiff,)
vs.)
KANAG'IQ CONSTRUCTION CO.,)
INC., an Alaska Corporation, and)
WESTERN SURETY COMPANY, a)
South Dakota Corporation,)
Defendants.) Case No. A05-170 CI (TMB)

DEFENDANTS' MOTION TO STRIKE
[Fed. R. Civ. P. 12(f)]

Defendants, KANAG'IQ CONSTRUCTION CO., INC. and WESTERN SURETY COMPANY, through their counsel, Eide & Gingras, P.C., object to Exhibit A to Plaintiff's reply with respect to supplemental briefing. That exhibit is a settlement proposal and, on its face, makes clear that it is not to be admissible in evidence in any litigation.

Notwithstanding that admonition, and the evidence rule with respect to settlement proposals, Plaintiff attached that settlement letter as an exhibit. See Federal Rule of Evidence 408.

For those reasons, Defendants request that the settlement letter, Exhibit A, be removed from the Court's file and returned to Plaintiff's counsel.

1 Defendants believe that the Court, on its own initiative, may impose whatever
2 sanctions it deems appropriate.

3 DATED at Anchorage, Alaska this 20th day of May, 2008.

4 EIDE & GINGRAS, P.C.
5 Attorneys for Defendants
6 Kanag'Iq Construction Co., Inc. and
7 Western Surety Company

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16 **CERTIFICATE OF SERVICE**

17 I am a legal secretary employed by the law
18 firm of Eide & Gingras, P.C. That on this
19 20th day of May, 2008, I served

20 [x] Electronically

21 a true and accurate copy of the foregoing
22 document upon the following counsel of record:

23 Sarah J. Tugman, Esq.
24 2509 Eide Street, Suite 4
25 Anchorage, AK 99503

EIDE & GINGRAS, P.C.

By: /s/Donna Charter

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